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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/821,059	03/29/2001	Srinivas Gutta	US010074	5339

24737 7590 05/18/2007  
PHILIPS INTELLECTUAL PROPERTY & STANDARDS  
P.O. BOX 3001  
BRIARCLIFF MANOR, NY 10510

EXAMINER	
HOSSAIN, FARZANA E	

ART UNIT	PAPER NUMBER
2623	

MAIL DATE	DELIVERY MODE
05/18/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

09/821,059

Applicant(s)

GUTTA ET AL.

Examiner

Farzana E. Hossain

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All. b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/12/2006 has been entered.

### ***Response to Amendment***

2. This office action is in response to communications filed 10/12/2006. Claims 1, 5, 13 are amended. Claims 2-4 and 6-8 are original. Claims 9-12 and 14-20 have been previously presented.

### ***Response to Arguments***

3. Applicant's arguments filed 10/12/2006 have been fully considered but they are not persuasive.

Regarding claims 1, 5, 13, the applicant argues that Lawler does not teach or suggest a display for displaying a plurality of personal channels to viewers on a single display and a display presenting visual indicia for allowing a selection of each of the one personal channels or simultaneously presenting visual indicia for plurality of personal channels.

In response to argument, Lawler discloses simultaneously displaying a plurality of personal channels, such as personal preference and household preference (Figure 3B). The claim still does not disclose that each television viewer has a separate personal channel (such as personal preference channel) displayed on the screen as suggested by the applicant. The claim limitations disclose "a plurality of personal channels" or "a visual indicia of a personal channel for each of a plurality of members" or "simultaneously displaying a visual indicia for each of a plurality of personal channels." Lawler discloses a plurality of personal channels for a plurality of viewers in a house and programming a personal channel for an individual viewer and the household preference channel is a personal channel for each member of the household (Figure 3B).

The examiner suggests that the applicant more clearly disclose that the personal channel as the applicant's disclosure defines personal channel to be personal or collaborative and separate personal channels for each viewer as the separate personal channels can be the household channel or the personal channel. Lawler discloses that personal channels for a plurality of viewers can be household and national preference channels (Figure 3B). The current limitations are clearly met by Lawler.

Regarding claims 4, 8, 15, the applicant argues the Lawler (5,699,107 and hereafter referred to as "Lawler2") does not teach recording a television program via the remote control.

The applicant argues that Lawler2 does not disclose a remote control has means for controlling the recording of a TV program. The applicant points to Figures 2 and 5 and column 10, lines 27-44. Lawler2 clearly discloses that the remote control has means for controlling the recording of a television program as the user has to select navigation key on the input device and then presses the action key for the desired action (Column 10, lines 27-44). The actions are displayed on the screen for selection via a remote control. The action is recording and action button is on the remote control (Figure 2, Figure 5). Lawlers discloses using the remote cotnrol with the action button for controlling recording.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-3, 5-7, 9-15, 17-18, as amended, are rejected under 35 U.S.C. 102(b) as being anticipated by Lawler et al (US 5,758,259 and hereafter referred to as "Lawler").

Regarding claim 1, Lawler teaches a television system comprising a display having an interactive interface for displaying a plurality of personal channels for a plurality of television viewers on the display (Figure 3B, Column 4, lines 43-64, Column 7, lines 36-53, Column 8, lines 45-50), the display simultaneously presenting a visual indicia for each of the personal channels allowing selection of any one of the personal channels, the visual indicia being controllable by a remote control to invoke one of the personal channels featuring selective programs for one of the individual television viewers (Figure 3B, Column 4, lines 43-67, Column 5, lines 1-6), the selective programs being programmed into the personal channel of the television system by at least one of the following techniques: (i) through explicit information provided by the television viewer; through passive information, wherein the system observes what the television viewer is watching and automatically develops a profile (Column 2, lines 31-37); through collaborative filtering by observing what programs others a household of the television viewer have developed their personal channel (Column, 9 lines 35-50); and through a combination of all of the above. The USPTO considers Applicant's "at least one of" language to be anticipated by any reference containing one of the subsequent corresponding elements.

Regarding claim 5, Lawler teaches a television system comprising a display having an interactive interface for simultaneously displaying a visual indicia for a

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plurality of personal channels for each of a plurality of members in a household (Figure 3B and Column 4 lines 43-64, Column 7 lines 35-53, Column 8 lines 45-50 Figure 3B shows a visual indicia of a personal channel ("Personal Preference" and "Household Preference" channels) when a particular member of the household accesses personal content, the display being controllable by a remote control to invoke one of the personal channels featuring selective programs for each individual television viewer (Figure 3B, Figure 4 and Column 4 lines 43-67, Column 5 lines 1-6), the selective programs being programmed into the personal channel the television system by at least one of the following techniques: through explicit information provided each television viewer; and through passive information wherein the system observes what each television viewer is watching and automatically develops a profile (Column 2 lines 31-37). The USPTO considers Applicant's "at least one of" language to be anticipated by any reference containing one of the subsequent corresponding elements.

Regarding claim 13, Lawler teaches a television system comprising: a display having an interactive interface that is configured for simultaneously displaying a visual indicia for each of a plurality of personal channels (Figure 3B and Column 4 lines 43-64 and Column 7 lines 35-53, Column 8 lines 45-50 Figure 3B shows a visual indicia of a personal channel ("Personal Preference" and "Household Preference" channels) when a particular member of the household accesses personal content), the display being controllable by a remote control to invoke one of the personal channels featuring a selective program for a individual television viewer (Figure 3B, Figure 4 and Column 4 lines 43-67, Column 5 lines 1-6), the selective program being programmed into the

personal channel of the television system by at least one of the following techniques: through explicit information provided by each television viewer; and through passive information wherein the system observes what each television viewer is watching and automatically develops a profile (Column 8 lines 45-67, Column 9 lines 1-38). The USPTO considers Applicant's "at least one of" language to be anticipated by any reference containing one of the subsequent corresponding elements.

Regarding Claims 2, 6 and 14, Lawler discloses all the limitations of Claims 1, 5 and 13 respectively. Lawler teaches wherein the remote control has means for scrolling about the display (Figure 3C, Figure 4 directional control keypad 90 and Column 4 lines 58-67 and Column 5 lines 1-7).

Regarding Claims 3, 7 and 15, Lawler discloses all the limitations of Claims 1, 5, 13 respectively. Lawler teaches wherein the remote control has means for controlling the splitting of the display (Figure 3C, Figure 4, Action Button 91, Menu Button 93, Column 4, lines 58-67, Column 5, lines 1-51 Menu button or Action button activate the split display of Figure 3C).

Regarding Claims 9, 12 and 17, Lawler discloses all the limitations of Claims 1, 5 and 13 respectively. Lawler teaches wherein the display is controlled by a computational processing element (Figure 2 and Column 3 lines 62-67, Column 4 lines 1-42).

Regarding Claims 10, 11, 18, Lawler discloses all the limitations of Claims 1, 5 and 13 respectively. Lawler teaches wherein the remote control has an actuating



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mechanism that allows selection of one of the visual indicia for the plurality of personal channels (Figure 3B, Figure 4 and Column 4 lines 43-67, Column 5 lines 1-6).

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 4, 8, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lawler in view of Lawler et al (US 5,699,107 and hereafter referred to as "Lawler2").

Regarding claims 4, 8, and 16, Lawler discloses all the limitations of Claims 1, 5 and 13 respectively. Lawler teaches wherein the remote control has means controlling various functions of the interactive station (Figure 3C, Figure 4 directional control keypad 90, Action Button 91, and Column 4 lines 17-26, 58-67 and Column 5 lines 1-7). Lawler does not specifically state that one of these functions is the recording of a television program. An interactive station with a function to record a television program is well known in the art as taught by Lawler2 (Figure 2, Figure 5 and Column 10 lines 27-44). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Lawler to equip the interactive station with a

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function that allowed a user to record a television program, thereby giving the remote control a means for controlling the recording of a program as taught by Lawler2 to prevent a user from failing to view desired programming (Column 1 lines 24-27) as disclosed by Lawler2.

8. Claims 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lawler in view of Florin et al (US 5,621,456 and hereafter referred to as "Florin").

Regarding claims 19 and 20, Lawler discloses all the limitations of Claims 13 and 1 respectively. Lawler fails to teach wherein the remote control is a voice recognition system. In analogous art, Florin teaches a method and apparatus for audiovisual interface for the display of multiple program categories (Figure 28) and frequently watched programs for multiple users (Figure 31). Florin teaches a user, can make programming selections by speaking commands into a speaker in a remote control by using voice recognition technology (Column 22, lines 42-62). Florin is evidence the use of voice recognition is a remote control would have been well known. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Lawler to include the claimed voice recognition in a remote control for the benefit of enabling a user to speak commands in lieu of having or physically enter commands into a remote control.

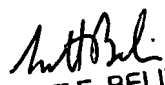
**Conclusion**

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Farzana E. Hossain whose telephone number is 571-272-5943. The examiner can normally be reached on Monday to Friday 8:00 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

FEH  
May 11, 2007

  
SCOTT E. BELIVEAU  
PRIMARY PATENT EXAMINER